Amendments to the Drawings:

The attached replacement sheets of drawings include Figs. 1-13 that have been formalized. The formal drawings for Figs. 1-13 on the replacement drawing sheets submitted herewith replace the originally filed drawings and, to the best of the knowledge of the undersigned, the submitted formal drawings include no new matter.

REMARKS

By the present invention, Claims 1, 3 and 6 have been amended, Claim 2 has been canceled without disclaimer of the subject matter claimed therein, and Claims 7-9 have been newly added. Claims 1 and 3-9 remain pending in the present application. Claims 1 and 9 are independent claims.

Applicants respectfully submit that the amendments to the specification, abstract, claims and drawings are fully supported by the original disclosure, and, to the best of the knowledge of the undersinged, introduce no new matter therewith. Applicants respectfully request reconsideration and allowance in view of the foregoing amendments and the following remarks.

Objections to the Disclosure

1. The disclosure is objected to because the line numbering for the specification, abstract and claims is missing. Applicants have amended the abstract and claims with line numbering. Pursuant to 37 C.F.R. § 1.125 and M.P.E.P. § 608.01(q), Applicants have also enclosed herewith is a substitute specification, including both clean and marked-up copies. The substitue specification includes paragraph numbers and section headings. To the best of the knowledge of the undersigned, no new matter is entered. Applicants respectfully submit that this objection is overcome and requests withdrawal of this objection.

Drawings

2. Applicants have formalized Figs. 1-13 and formal drawings on the attached replacement drawing sheets that include Figs. 1-13 replace the originally filed drawings and, to the best of the knowkledge of the undersigned, include no new matter.

35 U.S.C. § 102(e) Rejection based on Kramer et al.

3. Claims 1, 2, 3 and 6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kramer et al. (U.S. Patent No. US 6,658,027 B1). Applicants respectfully traverse this.

Amended independent Claim 1 recites a quality control device for voice packet communications for transmitting voice packets through a quality non-assurance type network. The device includes a buffer memory, queue operating means, sequence examining means, and operation control means. The buffer memory temporarily stores voice packets received through the network and forms a queue of the received voice packets. The queue operating means operates the queue in accordance with an operation control signal to be supplied. The sequence examining means examines like voice-absence properties of a sequence of voice information contained in a plurality of voice packets that constitute the queue stored in the buffer memory. The operation control means changes the operation control signal in accordance with an examination result of the sequence examining means. The operation control means includes an operation position determining portion for determining an operation position corresponding to voice packets having like-voice absence properties, being dispersed onto the queue and

outputting an operation position specifying signal as the operation control signal by the use of an examination result of the sequence examining means. The queue operating means includes a deletion operating portion for deleting from the queue voice packets having like-voice absence properties, being dispersed onto the queue which correspond to an operation position on the queue according to the operation position specifying signal being supplied.

The sequence examining means of Claim 1 has been amended to recite that it examines "like voice-absence properties" of a sequence of voice information contained in a plurality of voice packets that constitute the queue stored in the buffer memory. Support for this can be found, for example, on page 17, lines 9-14 of the specification.

Claim 1 has also been amended to recite that the operation control means includes an ooperation position determining portion for determining an operation position corresponding to voice packets having like-voice absence properties, being dispersed onto the queue and outputting an operation position specifying signal as the operation control signal by the use of an examination result f the sequence examining means. Support for this can be found, for example, in the paragraph from page 16, line 22 to page 17, line 1, from the paragraph from page 21, lines 16-24, and in the paragraph from page 23, line 20 to page 24, line 1 of the specification.

The queue operating means of Claim 1 has also been amended to recite that it includes a deletion operating portion for deleting voice packets of like-voice absence properties, being dispersed onto the queue which correspond to an operation position on the queue according to

the operation position specifying signal being supplied. Support for this can be found, for example, on page 15, lines 2-14, as well as in the previously mentioned paragraphs.

Kramer et al. describes jitter buffer management in order to compensate for rate mismatches between near end (receiving) and far end (transmitting) devices. The jitter buffer management is implemented by a data interface, a jitter buffer, a detector, and a buffer manager. The data interface receives frames from a data network. The jitter buffer temporarily stores the frames. The detector detects frames which satisfy a criteria. The buffer manager controls the frames stored in the jitter buffer based on the condition of the buffer and on frames which satisfy the criteria. The criteria can include silence frames or frames received with errors. The condition can include a high water mark (high threshold), and a low water mark (low threshold). If the far end transmitter transmits at a faster rate than the near end receiver, the jitter buffer will eventually become full beyond the high water mark, in which case frame(s) which satisfy the criteria will be deleted. If the far end transmitter transmits at a slower rate than the near end receiver, the jitter buffer will eventually become depleted below the low water mark, in which case silence frame(s) will be inserted after received silence frames.

The Office relies on jitter buffer manager 140 in Fig. 1, col. 3, lines 60-61, and col. 4, lines 57-62 in Kramer et al. for satifying the claimed queue operating means. These sections of Kramer et al. nowhere disclose, suggest or reasonably infer queue operating means that include a deletion operating portion for deleting from the queue voice packets having like-voice absence

properties, being dispersed onto the queue which correspond to an operation position on the queue according to the operation position specifying signal being supplied.

The Office relies on frame input process 240 and frame output process 250 of Fig. 2, col. 4, lines 57-58, and col. 5, lines 39-54 in Kramer et al. for satifying the claimed sequence examining means. These sections of Kramer et al. nowhere disclose, suggest or reasonably infer sequence examining means that examine like voice-absence properties of a sequence of voice information contained in a plurality of voice packets that constitute the queue stored in the buffer memory.

It is well known that for a reference to anticipate a claim under 35 U.S.C. § 102(e) there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention (see *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). The application of Kramer et al. by the Office Action fails to meet this criteria, and amended Claim 1 is allowable over Kramer et al.

Claims 2 and 3 are allowable as being dependent from an allowable claim.

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1, 2, 3 and 6 under 35 U.S.C. § 102(a) as being anticipated by Kramer et al.

35 U.S.C. § 103(a) Rejection based on Kramer et al. and Rabenko et al.

4. Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kramer et al. in view of Rabenko et al. (U.S. Patent No. US 6,765,931 B1). Applicants respectfully traverse this rejection.

Rabenko et al. describes gatway with voice. A network gateway is configured to facilitate on line and off line bi-directional communication between a number of near end data and telephony devices with far end data termination devices via a hybrid fiber coaxial network and a cable modem termination system. The network gateway combines a QAM receiver, a transmitter, a DOCSIS MAC, a CPU, a voice and audio processor, an Ethernet MAC, and a USB controller to provide high performance and robust operation.

Rabenko et al. fails to supplement the deficiencies of Kramer et al. because Rabenko et al. nowhere discloses, suggests, or reasonably infers queue operating means that include a deletion operating portion for deleting from the queue voice packets having like-voice absence properties, being dispersed onto the queue which correspond to an operation position on the queue according to the operation position specifying signal being supplied, and nowhere discloses, suggests, or reasonably infers sequence examining means that examine like voice-absence properties of a sequence of voice information contained in a plurality of voice packets that constitute the queue stored in the buffer memory.

Accordingly, Claims 4 and 5 are allowable as being dependent from an allowable claim.

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Kramer et al. in view of Rabenko et al.

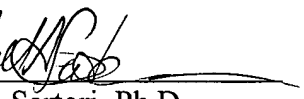
Added Claims

5. Claims 7 and 8 variously depend from Claim 1 and are allowable as being dependent from an allowable claim. Claim 9 is similar to Claim 1 and is, accordingly, allowable.

6. For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

December 22, 2005

Respectfully submitted,

By 

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